

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

WILLIE MCNAIR,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	Case No. 2:06-cv-695-WKW
	)	
RICHARD ALLEN, et al.,	)	
	)	
Defendants/Counter-Plaintiffs.	)	
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JAMES CALLAHAN,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	Case No. 2:06-cv-919-WKW
	)	
RICHARD ALLEN, et al.,	)	
	)	
Defendants/Counter-Plaintiffs.	)	

**ORDER ON PRETRIAL HEARING**

It is ORDERED that:

1. The trial of this matter, which is to last three days, is CONTINUED from October 2, 2007, to **October 3, 2007, at 9:00 a.m.**, in courtroom 2-E, Frank M. Johnson, Jr. U. S. Courthouse Complex, One Church Street, Montgomery, Alabama.

2. This case is set for a final pretrial hearing as provided by Rule 16 of the Federal Rules of Civil Procedure, on **October 2, 2007, at 10:00 a.m.**, in courtroom 2-E, Frank M. Johnson, Jr. U. S. Courthouse Complex, One Church Street, Montgomery, Alabama.

ALL TRIAL ATTORNEYS must appear at the time above designated and be fully prepared and authorized to admit all facts that are true. Any pending motions shall be heard at this time; thus, counsel should be prepared to present oral argument.

3. The parties shall immediately issue trial subpoenas, if any. Any motions to quash shall be filed **on or before September 14, 2007.**

4. Court is open. Should either party wish to close the courtroom or otherwise deny, in whole or in part, public access to evidence taken at trial, that party shall file a motion, fully briefed with case citations thereon, **on or before September 14, 2007**. The non-moving party shall file a responsive brief **on or before September 21, 2007**. Reply briefs will not be accepted.

5. The parties shall exchange Rule 26(a)(3) information **on or before September 14, 2007**. The parties shall then exchange Rule 26(a)(3) objections to depositions designations and to admissibility of evidence **on or before September 19, 2007**. The parties shall then confer to resolve any objections. **On or before September 24, 2007**, the plaintiffs shall file the JOINTLY prepared witness list, list of deposition designations, and exhibit list, with objections disclosed thereon. If objections are not so disclosed, other than objections under Rule 402 and 403 of the Federal Rules of Evidence, objections are waived unless excused by the court for good cause.

6. Motions in limine, if any, shall be filed **on or before September 24, 2007**. Responses to any motions shall be filed **on or before September 28, 2007**. Reply briefs will not be accepted.

7. The parties shall JOINTLY prepare a list of stipulations of facts. The plaintiffs shall file this document **on or before September 26, 2007**.

8. The parties shall each prepare a summary of their contentions and shall each file the summary **on or before September 26, 2007**.

9. The parties are not required to file trial briefs before the trial, but if they choose to do so, the briefs shall be filed **on or before September 28, 2007**.

***In lieu of closing arguments, the parties shall file briefs after trial.*** The plaintiffs shall file their closing brief, with proposed findings of fact and conclusions of law, **on or before October 9, 2007**. The defendants shall file their responsive brief, with proposed findings of fact and conclusions of law, **on or before October 12, 2007**. The plaintiffs may file a reply brief **on or before October 15, 2007**.

10. At the October 2, 2007 final pretrial hearing, the parties shall each submit three binders of copies of the pre-marked exhibits for use by the court (judge, law clerk, and courtroom deputy).

11. The parties shall review and comply with the Middle District of Alabama's Order on the E-Government Act.

12. The parties shall notify Chambers of the undersigned **on or before September 14, 2007**, regarding any mediation efforts undertaken.

13. The parties have indicated that there are no other disputes at this time. All understandings, agreements, and deadlines contained in this Order and discussed at the September 5, 2007 pretrial conference shall be binding on all parties unless modified by the Court.

DONE this 7th day of September, 2007.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE